

STAYED

**U.S. District Court  
Middle District of Florida (Ft. Myers)  
CIVIL DOCKET FOR CASE #: 2:05-cv-00102-JES-DNF**

The News-Press et al v. United States Department of Homeland Security  
Assigned to: Judge John E. Steele  
Referred to: Magistrate Judge Douglas N. Frazier  
Case in other court: 05-16771FF  
08-14704J

Date Filed: 03/09/2005  
Date Terminated: 11/07/2005  
Jury Demand: Defendant  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

Cause: 05:0552 Freedom of Information Act

**Plaintiff**

**The News-Press**  
*division of Multimedia Holdings Corporation*

represented by **Charles David Tobin**  
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**Plaintiff**

**Cape Publications, Inc.**  
*publisher of Florida Today*

represented by **Charles David Tobin**  
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**Plaintiff**

**Pensacola News–Journal**  
*division of Multimedia Holdings*  
*Corporation*

represented by **Charles David Tobin**  
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V.

**Defendant**

**United States Department of Homeland Security**

represented by **Kristen Shedd**  
U.S. Department of Homeland Security  
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**Defendant**

**Federal Emergency Management  
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represented by **Kristen Shedd**  
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**Mark A. Steinbeck**  
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**Warren A. Zimmerman**  
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**Movant**

**Jonathan Lee Riches**

represented by **Jonathan Lee Riches**  
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 PRO SE

Date Filed	#	Docket Text
03/09/2005	<u>1</u>	COMPLAINT against United States Department of Homeland Security, (Filing fee \$250 receipt number F006223), filed by Pensacola News-Journal, The News-Press, Cape Publications, Inc.(Attachments: #(1) Exhibit A, #(2) Exhibit B, #(3) Exhibit C, #(4) Exhibit D)(drn) (Entered: 03/09/2005)
03/09/2005	<u>2</u>	Disclosure Statement filed by The News-Press, Pensacola News-Journal and Cape Publications, Inc. (drn) (Entered: 03/09/2005)

03/09/2005	<u>3</u>	Summons Issued as to United States Department of Homeland Security by serving U.S. Attorney and Federal Emergency Management Agency by serving U.S. Attorney (drn) (Entered: 03/09/2005)
03/15/2005	<u>4</u>	INTERESTED PERSONS ORDER Certificate of interested persons and corporate disclosure statement due by 3/28/2005. Signed by Judge John E. Steele on 3/15/2005. (BJH, ) (Entered: 03/15/2005)
03/15/2005	<u>5</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 – track 2 Notice of pendency of other actions due by 3/28/2005. Signed by Judge John E. Steele on 3/15/2005. (BJH, ) (Entered: 03/15/2005)
03/16/2005	<u>6</u>	AMENDED COMPLAINT against all defendants, filed by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit)(Lake, James) (Entered: 03/16/2005)
03/17/2005	<u>7</u>	RETURN of service executed on March 11, 2005 by Pensacola News–Journal, The News–Press, Cape Publications, Inc. as to United States Department of Homeland Security, Federal Emergency Management Agency. (Attachments: # <u>1</u> Return of Service & Summons/US Dept. of Homeland Security# <u>2</u> Return of Service & Summons/FEMA)(Lake, James) (Entered: 03/17/2005)
03/28/2005	<u>8</u>	NOTICE of pendency of other actions re order of compliance to Local Rule by Pensacola News–Journal, The News–Press, Cape Publications, Inc. Related case(s): yes (Lake, James) (Entered: 03/28/2005)
03/28/2005	<u>9</u>	CERTIFICATE of Counsel of <i>Interested Persons and Corporate Disclosure Statement</i> by James B. Lake on behalf of Pensacola News–Journal, The News–Press, Cape Publications, Inc. (Lake, James) (Entered: 03/28/2005)
04/11/2005	<u>10</u>	<i>Defendant's</i> ANSWER to amended complaint by Federal Emergency Management Agency.(Steinbeck, Mark) (Entered: 04/11/2005)
04/12/2005	<u>11</u>	INTERESTED PERSONS ORDER Certificate of interested persons and corporate disclosure statement due by 4/25/2005 for defendant Federal Emergency Management Agency Signed by Judge John E. Steele on 4/12/2005. (BJH, ) (Entered: 04/12/2005)
04/18/2005	<u>12</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>4</u> Interested persons order by United States Department of Homeland Security. (Steinbeck, Mark) (Entered: 04/18/2005)
04/18/2005	<u>13</u>	NOTICE of pendency of other actions re <u>5</u> order of compliance to Local Rule by United States Department of Homeland Security Related case(s): no (Steinbeck, Mark) (Entered: 04/18/2005)
05/05/2005	<u>14</u>	MOTION for Deadline for Production of Vaughn Index, if any, and Expedited Consideration and Incorporated Memorandum of Law by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Lake, James) (Entered: 05/05/2005)
05/05/2005	<u>15</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. <i>Regarding Proposed Orders</i> (Lake, James) (Entered: 05/05/2005)
05/12/2005	<u>16</u>	Unopposed MOTION to Conduct Case Management Conference by Telephone and Incorporated Memorandum of Law by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Lake, James) (Entered: 05/12/2005)
05/13/2005	<u>17</u>	ENDORSED ORDER granting <u>16</u> Unopposed Motion to Conduct Case Management Conference by Telephone. Signed by Judge Douglas N. Frazier on 5/13/2005. (brh) (Entered: 05/13/2005)
05/17/2005	<u>18</u>	NOTICE of withdrawal of motion by The News–Press (Lake, James) (Entered: 05/17/2005)
05/17/2005	<u>19</u>	CASE MANAGEMENT REPORT. (Lake, James) (Entered: 05/17/2005)

05/18/2005	<u>20</u>	ORDER granting <u>18</u> Notice of Withdrawing Motion for Deadline for Production of Vaughn Index, and denying as moot <u>14</u> Motion for Deadline for Production of Vaughn Index, If Any, and Expedited Consideration. Signed by Judge Douglas N. Frazier on 5/18/2005. (brh) (Entered: 05/18/2005)
05/31/2005	<u>21</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Final Pretrial Conference set for 11/28/2005 09:00 AM in Courtroom A before Judge John E. Steele. Bench Trial set for trial term 12/5/2005 before Judge John E. Steele. (See Order for all deadlines)Signed by Judge Douglas N. Frazier on 5/31/2005. (BJH, ) (Entered: 05/31/2005)
06/01/2005	<u>22</u>	MOTION for leave to file Second Amended Complaint by Pensacola News-Journal, The News-Press, Cape Publications, Inc.. (Attachments: # <u>1</u> Second Amended Complaint)(Lake, James) (Entered: 06/01/2005)
06/02/2005	<u>23</u>	ENDORSED ORDER denying <u>22</u> Motion for Leave to File Second Amended Complaint for failure to comply with Rule 3.01(g), M.D. Fla. Rules. Signed by Judge Douglas N. Frazier on 6/2/2005.(bas) (Entered: 06/02/2005)
06/02/2005	<u>24</u>	Amended MOTION for leave to file to File Second Amended Complaint ( <i>Unopposed</i> ) by Pensacola News-Journal, The News-Press, Cape Publications, Inc.. (Attachments: # <u>1</u> )(Lake, James) (Entered: 06/02/2005)
06/03/2005	<u>25</u>	ENDORSED ORDER granting <u>24</u> Amended and Unopposed Motion for Leave to File Second Amended Complaint. Signed by Judge Douglas N. Frazier on 6/3/2005.bas) (Entered: 06/03/2005)
06/03/2005	<u>26</u>	Unopposed MOTION to amend/correct <i>Case Management and Scheduling Order and Incorporated Memorandum of Law</i> by Pensacola News-Journal, The News-Press, Cape Publications, Inc.. (Attachments: # <u>1</u> Exhibit A)(Lake, James) (Entered: 06/03/2005)
06/03/2005	<u>27</u>	SECOND AMENDED COMPLAINT against United States Department of Homeland Security, Federal Emergency Management Agency, filed by Pensacola News-Journal, The News-Press, Cape Publications, Inc.. Related document: <u>6</u> Amended complaint, filed by Cape Publications, Inc., The News-Press, Pensacola News-Journal.(slu) (Entered: 06/07/2005)
06/10/2005	<u>28</u>	NOTICE by Pensacola News-Journal, The News-Press, Cape Publications, Inc. of <i>Stipulation Regarding Mediator</i> (Lake, James) (Entered: 06/10/2005)
06/16/2005	<u>29</u>	ORDER granting <u>26</u> Unopposed Motion for Amendment of Case Management and Scheduling Order. The following are the new scheduling dates: Service of any factual support relied upon by the Department, such as declarations, affidavits, or a Vaughn index – July 27, 2005; Service of Department's summary judgment motion – August 10, 2005; Service of the Newspapers' response to the Department's summary judgment motion, completion of any discovery relating to the Department's factual support, and service of the Newspapers' summary judgment motion – September 7, 2005; and Response by Department to Newspapers' summary judgment motion – September 28, 2005. Signed by Judge Douglas N. Frazier on 6/16/2005. (brh) . Signed by Judge Douglas N. Frazier on 6/16/2005. (brh, ) (Entered: 06/16/2005)
06/23/2005	<u>30</u>	<i>Defendants'</i> ANSWER to amended complaint by United States Department of Homeland Security.(Steinbeck, Mark) (Entered: 06/23/2005)
07/27/2005	<u>31</u>	Defendants' Vaughn Indices And Affidavits Describing Withheld Documents And Information And Summary Explanation re <u>14</u> MOTION for Deadline for Production of Vaughn Index, if any, and Expedited Consideration and Incorporated Memorandum of Law <i>Containing Vaughn Indices and Affidavits describing withheld documents</i> by United States Department of Homeland Security. (Attachments: # <u>1</u> Exhibit A– Declaration of Berl Jones# <u>2</u> Exhibit B – Index re 019# <u>3</u> Exhibit C– Declaration of Willie Taylor# <u>4</u> Exhibit D– Index re 113)(Steinbeck, Mark) Modified on 7/28/2005 to correct title of pleading (drn). (Entered: 07/27/2005)
07/28/2005	<u>32</u>	NOTICE by United States Department of Homeland Security of <i>Filing Redacted Documents Disclosed in Response to Plaintiff's FOIA Request No 05-019</i>



		(Attachments: # <u>1</u> Exhibit docs 1–56# <u>2</u> Exhibit docs 57–94# <u>3</u> Exhibit docs 95–157)(Steinbeck, Mark) (Entered: 07/28/2005)
07/28/2005	<u>33</u>	NOTICE by United States Department of Homeland Security of <i>Filing Redacted Documents Disclosed in Response to Plaintiffs' FOIA Request No. 05–113 PB Inspections</i> (Attachments: # <u>1</u> Exhibit docs 1–45# <u>2</u> Exhibit docs 46–100# <u>3</u> Exhibit docs 101–150# <u>4</u> Exhibit docs 1510–0190)(Steinbeck, Mark) (Entered: 07/28/2005)
07/28/2005	<u>34</u>	NOTICE by United States Department of Homeland Security of <i>Filing Redacted Documents Disclosed in Response to Plaintiffs' FOIA Request No. 05–113 PaRR Inspections</i> (Attachments: # <u>1</u> Exhibit PaRR docs 1–45# <u>2</u> Exhibit PaRR docs 46–100# <u>3</u> Exhibit PaRR docs 101–144# <u>4</u> Exhibit PaRR docs 0145–0189# <u>5</u> Exhibit PaRR docs 0190–0196)(Steinbeck, Mark) (Entered: 07/28/2005)
08/09/2005	<u>35</u>	MOTION for leave to file to File Motion Exceeding Page Limitations by United States Department of Homeland Security. (Steinbeck, Mark) (Entered: 08/09/2005)
08/10/2005	<u>36</u>	ENDORSED ORDER granting <u>35</u> Motion for leave to file motion exceeding page limitations. Defendants are permitted to file a motion for summary judgment which is 35 pages or less. Signed by Judge Douglas N. Frazier on 8/10/2005. (brh) (Entered: 08/10/2005)
08/10/2005	<u>37</u>	MOTION for summary judgment by United States Department of Homeland Security. (Attachments: # <u>1</u> Exhibit Declaration of Brock# <u>2</u> Exhibit Declaration of Craig# <u>3</u> Exhibit Declaration of Lewis)(Steinbeck, Mark) (Entered: 08/10/2005)
08/10/2005	<u>38</u>	NOTICE by United States Department of Homeland Security re <u>34</u> Notice (Other), Notice (Other) of <i>Filing Amended Vaughn Indices Pertaining to Requests 05–019 and 05–113</i> (Attachments: # <u>1</u> Exhibit Amended Vaughn Index 05–019# <u>2</u> Exhibit Amended Vaughn Index 05–113)(Steinbeck, Mark) (Entered: 08/10/2005)
08/12/2005	<u>39</u>	MOTION for leave to file File Executed Declarations in Support of Defendants' Motion for Summary Judgment, Out of time by United States Department of Homeland Security. (Attachments: # <u>1</u> Exhibit A Robert Brock# <u>2</u> Exhibit B Daniel Craig# <u>3</u> Exhibit C Chandra Lewis# <u>4</u> Exhibit D Kristen Shedd)(Steinbeck, Mark) (Entered: 08/12/2005)
08/15/2005	<u>40</u>	RESPONSE to motion re <u>39</u> MOTION for leave to file File Executed Declarations in Support of Defendants' Motion for Summary Judgment, Out of time filed by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Lake, James) (Entered: 08/15/2005)
08/19/2005	<u>41</u>	MOTION for leave to file Defendants' Reply to Plaintiffs' Response to Defendants' Motion for Leave to File Executed Declarations Out of Time by United States Department of Homeland Security. (Attachments: # <u>1</u> Supplement Defendants' Proposed Reply)(Steinbeck, Mark) (Entered: 08/19/2005)
08/22/2005	<u>42</u>	ENDORSED ORDER granting <u>41</u> Motion for Leave to Reply to Plaintiffs' Response to Defendants' Motion for Leave to File Executed Declarations Out of Time. The Clerk is directed to file the Reply separately. Signed by Judge Douglas N. Frazier on 8/22/2005. (brh) (Entered: 08/22/2005)
08/22/2005	<u>43</u>	REPLY to response to motion re <u>41</u> MOTION for leave to file Defendants' Reply to Plaintiffs' Response to Defendants' Motion for Leave to File Executed Declarations Out of Time filed by United States Department of Homeland Security, Federal Emergency Management Agency. (drn) (Entered: 08/24/2005)
08/31/2005	<u>44</u>	NOTICE by United States Department of Homeland Security of <i>Filing Redacted Documents Disclosed in Response to Plaintiffs' FOIA Request No 05–019</i> (Attachments: # <u>1</u> Exhibit A – Redacted All Tech docs# <u>2</u> Exhibit B– Redacted Section K's)(Steinbeck, Mark) (Entered: 08/31/2005)
09/07/2005	<u>45</u>	Unopposed MOTION for Leave to Exceed Page Limit by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Lake, James) (Entered: 09/07/2005)

09/07/2005	<u>46</u>	MOTION for summary judgment <i>and Request for Oral Argument</i> by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Lake, James) (Entered: 09/07/2005)
09/07/2005	<u>47</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. of <i>Filing Declaration of Jeff Cull</i> (Attachments: # <u>1</u> part 1# <u>2</u> part 2# <u>3</u> part 3# <u>4</u> part 4# <u>5</u> part 5# <u>6</u> part 6# <u>7</u> part 7# <u>8</u> part 8)(Lake, James) (Entered: 09/07/2005)
09/07/2005	<u>48</u>	MEMORANDUM in support re <u>46</u> Motion for summary judgment filed by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Attachments: # <u>1</u> Exhibit A)(Lake, James) (Entered: 09/07/2005)
09/07/2005	<u>49</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. of <i>Filing Declaration of Senator Bill Nelson</i> (Attachments: # <u>1</u> Declaration)(Lake, James) (Entered: 09/07/2005)
09/08/2005	50	ENDORSED ORDER granting <u>45</u> Unopposed Motion for Leave to Exceed Page Limit. Plaintiffs are permitted to file a memorandum of no more than 30 pages in support of Plaintiffs' two–page Motion for Summary Judgment and in opposition to Defendants' Motion for Summary Judgment. Signed by Judge Douglas N. Frazier on 9/8/2005. (brh) (Entered: 09/08/2005)
09/19/2005	51	NOTICE of Hearing:Oral Argument Hearing <u>46</u> set for 9/30/2005 at 02:00 PM in Courtroom A before Judge John E. Steele. (BMA ) (Entered: 09/19/2005)
09/19/2005	<u>52</u>	RESPONSE re <u>46</u> MOTION for summary judgment <i>and Request for Oral Argument</i> by United States Department of Homeland Security. (Attachments: # <u>1</u> Exhibit Inglis Declaration# <u>2</u> Exhibit Olinger Declaration)(Steinbeck, Mark) (Entered: 09/19/2005)
09/26/2005	<u>53</u>	MOTION Joint Motion to Dispense with Mediation by United States Department of Homeland Security. (Steinbeck, Mark) (Entered: 09/26/2005)
09/27/2005	54	ENDORSED ORDER granting <u>53</u> Joint Motion to Dispense with Mediation. The parties are not required to attend a mediation in this case. Signed by Judge Douglas N. Frazier on 9/27/2005. (brh) (Entered: 09/27/2005)
09/28/2005	<u>55</u>	MOTION For In Camera Review And Incorporated Memorandum of Law by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Lake, James) (Entered: 09/28/2005)
09/29/2005	<u>56</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. re <u>48</u> Memorandum in support of <i>Withdrawal of Citation</i> (Lake, James) (Entered: 09/29/2005)
10/04/2005	<u>66</u>	MINUTE ENTRY for proceedings held before Judge John E. Steele on 9/30/2005. Court Reporter: Jeffrey G. Thomas (BMA ) (Entered: 11/04/2005)
10/05/2005	<u>57</u>	NOTICE by United States Department of Homeland Security of <i>Additional Legal Authorities</i> (Steinbeck, Mark) (Entered: 10/05/2005)
10/05/2005	<u>58</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. re <u>46</u> MOTION for summary judgment <i>and Request for Oral Argument of Additional Authority</i> (Lake, James) (Entered: 10/05/2005)
10/06/2005	<u>59</u>	SUMMARY JUDGMENT NOTICE re <u>37</u> MOTION for summary judgment, <u>46</u> MOTION for summary judgment <i>and Request for Oral Argument</i> . (drn) (Entered: 10/06/2005)
10/07/2005	<u>60</u>	ORDER granting in part and denying in part <u>55</u> Plaintiffs' Motion for In Camera Review and Incorporated Memorandum of Law. Defendant shall file with the Court within TEN (10) DAYS of the date of this Order the following documents: Docs. #31, 38, Index Entries 28, 30–33, 47–49, 54–56, and 65–69 for an in camera review. The Motion is denied with respect to Docs. #31, 38, Index Entries 40, 62. (See Order for details). Signed by Judge John E. Steele on 10/7/2005. (ATZ) (Entered: 10/07/2005)
10/18/2005	<u>61</u>	MOTION to alter judgment <i>or Amend Judgment and Incorporated Memorandum of Law</i> by United States Department of Homeland Security. (Attachments: # <u>1</u>



		Exhibit Proposed Response)(Steinbeck, Mark) (Entered: 10/18/2005)
10/21/2005	<u>62</u>	MOTION to continue <i>pre-trial deadlines, pre-trial conference, and trial</i> by United States Department of Homeland Security. (Steinbeck, Mark) (Entered: 10/21/2005)
10/21/2005	<u>63</u>	ORDER granting in part and denying in part <u>61</u> Motion to alter judgment. See Order for details. Defendant shall file with the Court on or before Monday, October 31, 2005, the following documents: Docs. #31, #38, Index Entries 28, 30-33, 47-49, 54-56, and 65-69 for an in camera review. Signed by Judge John E. Steele on 10/21/2005. (RKM) (Entered: 10/21/2005)
10/26/2005	<u>64</u>	TRANSCRIPT of Oral Argument on Cross Motions for Summary Judgment held on 09/30/05 before Judge John E. Steele. Court Reporter: Jeffrey Thomas. (kma) Additional attachment(s) added on 10/27/2005 (kma, ). (Entered: 10/26/2005)
10/26/2005	<u>65</u>	ORDER granting <u>62</u> Joint Motion to Postpone Pretrial Deadlines, Pretrial Conference and Trial. See Order for details. The Clerk's Office is directed to distribute this Order to the District Court and to the District Court Courtroom Deputy. Signed by Judge Douglas N. Frazier on 10/26/2005. (brh) (Entered: 10/26/2005)
10/31/2005		Sealed document. (drn) (Entered: 11/01/2005)
11/04/2005	<u>67</u>	ORDER granting nunc pro tunc <u>46</u> Plaintiffs' Request for Oral Argument. (See Order for details). Signed by Judge John E. Steele on 11/4/2005. (ATZ) (Entered: 11/04/2005)
11/04/2005	<u>68</u>	ORDER granting <u>39</u> Defendant's Motion for Leave to File Executed Declarations in Support of Defendant's Motion for Summary Judgment, Out of Time. (See Order for details). Signed by Judge John E. Steele on 11/4/2005. (ATZ) (Entered: 11/04/2005)
11/04/2005	<u>69</u>	OPINION AND ORDER granting in part and denying in part <u>37</u> Defendant's Motion for Summary Judgment, and granting in part and denying in part <u>46</u> Plaintiffs' Motion for Summary Judgment. The Clerk of the Court shall see the Order for instructions to enter judgment. The Clerk shall also close the case. (See Order for details). Signed by Judge John E. Steele on 11/4/2005. (ATZ) (Entered: 11/04/2005)
11/07/2005	<u>70</u>	JUDGMENT (Signed by Deputy Clerk). (drn) (Entered: 11/07/2005)
11/30/2005	<u>71</u>	NOTICE OF APPEAL as to <u>70</u> Judgment by Pensacola News-Journal, The News-Press, Cape Publications, Inc.. (Filing fee not paid) (Attachments: # <u>1</u> )(Lake, James) (Entered: 11/30/2005)
12/02/2005		Filing fee received \$255.00, receipt number F007268. (drn) (Entered: 12/02/2005)
12/02/2005		TRANSMITTAL of initial appeal package to USCA consisting of certified copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <u>71</u> Notice of appeal. Transcript information form sent. (kma) (Entered: 12/02/2005)
12/23/2005	<u>72</u>	TRANSCRIPT information form filed by The News-Press re <u>71</u> Notice of appeal. USCA number: 05-16771-F. (kma) (Entered: 12/23/2005)
01/03/2006	<u>73</u>	CERTIFICATE of readiness sent to USCA re: <u>71</u> Notice of appeal. ROA consists of: volume of pleadings: 5 volume of transcripts: 1 USCA number: 05-16771FF (kma) (Entered: 01/03/2006)
04/03/2006		RECORD on appeal sent to USCA re <u>71</u> Notice of appeal. Transmittal includes certified copy of docket sheet, volume of pleadings: 5, volume of transcripts: 1, USCA number 05-16771-FF (slp) (Entered: 04/03/2006)
04/04/2006	<u>74</u>	NOTICE of Appearance by David C. Borucke on behalf of Pensacola News-Journal, The News-Press (Borucke, David) (Entered: 04/04/2006)
04/04/2006	<u>75</u>	NOTICE of Appearance by David C. Borucke on behalf of Cape Publications, Inc. (Borucke, David) (Entered: 04/04/2006)

04/04/2006	<u>76</u>	NOTICE of Appearance by Steven L. Brannock on behalf of Pensacola News-Journal, The News-Press (Brannock, Steven) (Entered: 04/04/2006)
04/04/2006	<u>77</u>	NOTICE of Appearance by Steven L. Brannock on behalf of Cape Publications, Inc. (Brannock, Steven) (Entered: 04/04/2006)
08/09/2007	<u>78</u>	NOTICE of Appearance by Charles David Tobin on behalf of Pensacola News-Journal, The News-Press, Cape Publications, Inc. (Tobin, Charles) (Entered: 08/09/2007)
08/15/2007	<u>79</u>	Notice of substitution of AUSA. Warren A. Zimmerman substituting for Mark A. Steinbeck. (Zimmerman, Warren) (Entered: 08/15/2007)
08/22/2007	<u>80</u>	USCA judgment reversing and remanding the decision of the district court as to <u>71</u> Notice of appeal filed by The News-Press, Cape Publications, Inc. and Pensacola News-Journal. Entered on docket 06/22/07. USCA number: 05-16771. Issued as mandate: 08/20/07. (kma) (Entered: 08/22/2007)
08/22/2007	<u>81</u>	USCA BILL OF COSTS taxed against appellee in the amount of 235.05. EOD: 07/05/07 USCA #05-16771FF (kma) (Entered: 08/22/2007)
08/22/2007	<u>82</u>	MOTION for judgment <i>for Entry of Judgment, With Request for Expedited Consideration</i> by Pensacola News-Journal, The News-Press, Cape Publications, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Exhibit 1)(Tobin, Charles) (Entered: 08/22/2007)
08/23/2007	<u>83</u>	RESPONSE to motion re <u>82</u> MOTION for judgment <i>for Entry of Judgment, With Request for Expedited Consideration</i> filed by United States Department of Homeland Security, Federal Emergency Management Agency. (Attachments: # <u>1</u> Text of Proposed Order)(Zimmerman, Warren) (Entered: 08/23/2007)
08/24/2007	<u>84</u>	First MOTION for Rachel E. Fugate, James B. Lake and Gregg D. Thomas to withdraw as attorney by all plaintiffs. (Fugate, Rachel) Motions referred to Magistrate Judge Douglas N. Frazier. (Entered: 08/24/2007)
08/24/2007	<u>85</u>	MINUTE ENTRY for proceedings held before Judge John E. Steele : Telephone Conference held on 8/24/2007. Court Reporter: Jeffrey G. Thomas. (BMA ) (Entered: 08/24/2007)
08/24/2007	<u>86</u>	ORDER vacating <u>70</u> Judgment, granting <u>82</u> Motion for judgment, granting in part and denying in part <u>37</u> Motion for Summary Judgment, <u>46</u> Motion for Summary Judgment. The Clerk shall enter an amended judgment on the <u>27</u> Second Amended Complaint as provided in the Order. Signed by Judge John E. Steele on 8/24/2007. (RKM) (Entered: 08/24/2007)
08/27/2007	<u>87</u>	ENDORSED ORDER granting <u>84</u> Motion for Withdrawal as Counsel for the Plaintiffs' by Rachel E. Fugate, James B. Lake and Gregg D. Thomas. The Plaintiffs' will continue to be represented by the firm of Holland & Knight and remaining counsel, to-wit: Steven L. Brannock, David C. Borucke and Charles D. Tobin. The Clerk is directed to amend the service list accordingly. Signed by Judge Douglas N. Frazier on 8/27/2007. (bas) (Entered: 08/27/2007)
08/29/2007	<u>88</u>	AMENDED JUDGMENT (Signed by Deputy Clerk) (js) (Entered: 08/29/2007)
09/07/2007	<u>89</u>	TRANSCRIPT of Hearing Held Via Telephone held on 08/24/07 before Judge John E. Steele re <u>71</u> Notice of appeal. Court Reporter: Jeffrey G. Thomas. Filed separately. (slp) (Entered: 09/10/2007)
09/12/2007	<u>90</u>	NOTICE of Appearance by Jennifer A. Mansfield on behalf of Pensacola News-Journal, The News-Press, Cape Publications, Inc. (Mansfield, Jennifer) (Entered: 09/12/2007)
09/12/2007	<u>91</u>	MOTION for attorney fees by Pensacola News-Journal, The News-Press, Cape Publications, Inc.. (Mansfield, Jennifer) (Entered: 09/12/2007)
09/12/2007	<u>92</u>	NOTICE of Appearance by Timothy J. Conner on behalf of Pensacola News-Journal, The News-Press, Cape Publications, Inc. (Conner, Timothy) (Entered: 09/12/2007)

09/12/2007	<u>93</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. re <u>91</u> MOTION for attorney fees <i>Notice of Filing Declaration of Charles D. Tobin</i> (Attachments: # <u>1</u> Affidavit Declaration of Charles D. Tobin# <u>2</u> Exhibit Exhibit 1 to Declaration# <u>3</u> Exhibit 2 to Declaration# <u>4</u> Exhibit 3 to Declaration)(Mansfield, Jennifer) (Entered: 09/12/2007)
09/12/2007	<u>94</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. re <u>91</u> MOTION for attorney fees <i>Notice of Filing Declaration of Cindy McCurry–Ross</i> (Attachments: # <u>1</u> Declaration of Cindy McCurry–Ross# <u>2</u> Exhibit 1 to Declaration)(Mansfield, Jennifer) (Entered: 09/12/2007)
09/12/2007	<u>95</u>	NOTICE by Pensacola News–Journal, The News–Press, Cape Publications, Inc. <i>Notice of Filing Appellate Documents re Attorneys' Fees</i> (Attachments: # <u>1</u> Appellants' Motion for Attorneys' Fees# <u>2</u> Appellees' Opposition to Motion for Attorneys' Fees# <u>3</u> Appellants' Reply Memorandum in Support of Attorneys' Fees)(Mansfield, Jennifer) (Entered: 09/12/2007)
09/12/2007	<u>96</u>	PROPOSED BILL OF COSTS by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Mansfield, Jennifer) (Entered: 09/12/2007)
09/12/2007	<u>97</u>	DECLARATION of Jennifer A. Mansfield re <u>96</u> Bill of costs – proposed by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Mansfield, Jennifer) (Entered: 09/12/2007)
09/17/2007	<u>98</u>	BILL OF COSTS taxed against United States Department of Homeland Security and Federal Emergency Management Agency in the amount of 487.10. Signed by Deputy Clerk. (js) (Entered: 09/17/2007)
09/26/2007	<u>99</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>91</u> MOTION for attorney fees by United States Department of Homeland Security, Federal Emergency Management Agency. (Zimmerman, Warren) (Entered: 09/26/2007)
10/03/2007	100	ENDORSED ORDER granting <u>99</u> Defendant's Uncontested Motion for Enlargement of Time to Respond to Plaintiffs' Motion for Attorneys' Fees up to and including October 22, 2007. Signed by Judge Douglas N. Frazier on 10/3/2007. (bas) (Entered: 10/03/2007)
10/22/2007	<u>101</u>	MOTION to stay Proceedings on Plaintiff's Motion for Attorneys' Fees re <u>91</u> MOTION for attorney fees by United States Department of Homeland Security, Federal Emergency Management Agency. (Zimmerman, Warren) (Entered: 10/22/2007)
10/25/2007	<u>102</u>	RESPONSE in opposition re <u>101</u> MOTION to stay Proceedings on Plaintiff's Motion for Attorneys' Fees re <u>91</u> MOTION for attorney fees filed by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Tobin, Charles) (Entered: 10/25/2007)
12/14/2007	<u>103</u>	NOTICE of Settlement by United States Department of Homeland Security, Federal Emergency Management Agency (Zimmerman, Warren) (Entered: 12/14/2007)
12/14/2007	<u>104</u>	ORDER granting <u>101</u> Motion to stay in light of the pending settlement. The Court will defer ruling on plaintiffs' <u>91</u> Motion for fees and request for oral argument for a period of 60 days. Signed by Judge John E. Steele on 12/14/2007. (RKM) (Entered: 12/14/2007)
02/12/2008	<u>105</u>	MOTION to extend time to February 26, 2008, for Stay of Proceedings Pending Consummation of Settlement by United States Department of Homeland Security, Federal Emergency Management Agency. (Zimmerman, Warren) (Entered: 02/12/2008)
02/14/2008	<u>106</u>	ORDER granting <u>105</u> Motion to Extend Stay Through February 26, 2008. The stay in this matter is continued until February 26, 2008. Signed by Magistrate Judge Douglas N. Frazier on 2/14/2008. (brh) (Entered: 02/14/2008)
02/22/2008	<u>107</u>	STIPULATION of Dismissal <i>With Prejudice</i> by Pensacola News–Journal, The News–Press, Cape Publications, Inc.. (Tobin, Charles) (Entered: 02/22/2008)

02/22/2008	<u>108</u>	MINUTE ENTRY. Proceedings held before Judge John E. Steele (not recorded): Telephone Conference regarding <u>107</u> Joint Stipulation of Dismissal With Prejudice held on 2/22/2008. (RKM) (Entered: 02/22/2008)
02/22/2008	<u>109</u>	ORDER terminating <u>91</u> Motion for attorney fees as moot. The case shall remain closed as no further matters are pending before the Court. Signed by Judge John E. Steele on 2/22/2008. (RKM) (Entered: 02/22/2008)
03/07/2008	<u>110</u>	ORDER of USCA that the motion to withdraw appellants' attorneys' fees motions and to close these appeal is granted as to <u>71</u> Notice of appeal filed by The News-Press, Cape Publications, Inc., Pensacola News-Journal. EOD: 03/05/2008; USCA number: 05-16771FF. (kma) (Entered: 03/12/2008)
07/02/2008	<u>111</u>	MOTION to intervene as Plaintiff by Jonathan Lee Riches. (JS) Motions referred to Magistrate Judge Douglas N. Frazier. <b>Document stricken, removed from the Court record, and returned ot Jonathan Lee Riches pursuant to Doc. <u>112</u> Modified on 7/29/2008 (JS). (Entered: 07/09/2008)</b>
07/23/2008	<u>112</u>	ORDER denying 111 Motion to Intervene as Plaintiff, Motion to Enforce Consent Decree, and Motion for Counsel. The Clerk is directed to strike the Motion to Intervene as Plaintiff, Motion to Enforce Consent Decree, and Motion for Counsel (Doc. 111) from the record and return it to Jonathan Lee Riches. Signed by Magistrate Judge Douglas N. Frazier on 7/23/2008. (brh) (Entered: 07/23/2008)
08/07/2008	<u>113</u>	NOTICE OF APPEAL as to <u>112</u> Order on motion to intervene by Jonathan Lee Riches. Filing fee not paid. (kma) (Entered: 08/07/2008)
09/29/2008	<u>114</u>	ORDER of USCA dismissing this appeal for lack of jurisdiction as to <u>113</u> Notice of appeal filed by Jonathan Lee Riches. EOD: 09/25/08; USCA number: 08-14704J. (kma) (Entered: 10/02/2008)